

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION, AT CHATTANOOGA

CHADWICK E. CARROLL

Plaintiff

v.

CITY OF RED BANK, HAMILTON COUNTY
GOVERNMENT, OFFICER PATRICK MILLER,
in his official capacity as an agent for the CITY
OF RED BANK, and in his individual capacity
and JOHN DOE, in his official capacity as an
agent for the HAMILTON COUNTY
GOVERNMENT and in his individual capacity

Defendants

Case No. 1:13-cv-350

NOTICE OF REMOVAL

COMES Defendant, Officer Patrick Miller, having been sued in his official capacity as an agent for the City of Red Bank and in his individual capacity, through his attorney, pursuant to 28 U.S.C. §1441 and 28 U.S.C. §1446, and files this Notice of Removal. As grounds therefore, Defendant, Officer Patrick Miller, would show as follows:

I.

That Plaintiff filed his Complaint against Defendant, Officer Patrick Miller, on or about September 3, 2013, in the Circuit Court of Hamilton County, Tennessee, Docket No. 13-C-1158.

II.

That a Summons and a copy of the Complaint were received by Defendant, Officer Patrick Miller, on or about September 9, 2013.

III.

That Plaintiff brought this matter pursuant to 42 U.S.C. §1983 and §1988.

That Plaintiff has alleged violations of his rights under the Fourth and Fourteenth Amendments to the United States Constitution.

IV.

That, pursuant to 28 U.S.C. §1441 and 28 U.S.C. §1446, Defendant, Officer Patrick Miller, is entitled to remove this case to federal Court.

V.

That, according to the Plaintiff's Complaint, this case involves an incident that occurred in Hamilton County, Tennessee.

That this Court is the district court for the district embracing Hamilton County, Tennessee.

That, pursuant to 28 U.S.C. §1331, this Court has jurisdiction over this case.

VI.

That, pursuant to 28 U.S.C. §1441 and 28 U.S.C. §1446, Defendant, Officer Patrick Miller, is entitled to remove this case to federal court.

VII.

That, at the time of the filing of this Notice, the only other defendant which has been served with process is Defendant, Hamilton County Government.

That Defendant, Hamilton County Government, consents to this removal as is evidenced by its Notice of Removal heretofore filed.

VIII.

That a copy of the Summons and a copy of the Complaint that were served on Defendant, Officer Patrick Miller, are attached hereto as Exhibit A.

That Exhibit A constitutes all the process and pleadings that have been filed by the Plaintiff in this case and which have been served on Defendant, Officer Patrick Miller.

IX.

That this Notice is filed within thirty (30) days after service or notice to Defendant, Officer Patrick Miller, of the Summons and Complaint.

X.

That Defendant, Officer Patrick Miller, expressly reserves the right to raise all defenses and objections in this case after this action has been removed to this Court.

WHEREFORE, Defendant, Officer Patrick Miller, prays that the above-referenced cause of action be removed from the Circuit Court of Hamilton County, Tennessee, to This Honorable Court.

ROBINSON, SMITH & WELLS

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Chattanooga, TN 37450

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By: s /Ronald D. Wells
Ronald D. Wells, BPR# 011185
Attorney for Defendant,
Officer Patrick Miller

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of October 2013, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

This the 8th day of October 2013.

Robinson, Smith & Wells

By: s /Ronald D. Wells

cc: Robin R. Flores, Attorney
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